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1FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis A. Carson et al.

Title: USE OF ETODOLAC FOR THE TREATMENT OF CHRONIC LYMPHOCYTIC LEUKEMIA

Docket No.: 103.014US3

Serial No.: 10/753665

Filed: January 8, 2004

Due Date: N/A

Examiner: Frederick F. Krass

Group Art Unit: 1614

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the attached:

- ☒ Communication Re: Incorrect Filing Receipt (1 pg.)
- ☒ Copy of signed Combined Declaration and Power of Attorney (8 pgs.)
- ☒ Copy of Filing Receipt (2 pgs.)
- ☒ A return postcard.

No Additional fee is required.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer No: 21186

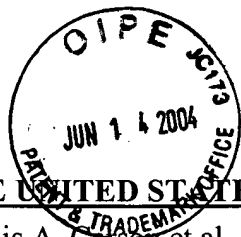
By: William F. Prout  
Name: William F. Prout  
Reg. No. 33,995  
WFP:CMG:jal

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of June, 2004.

Julie A. Lundseth  
Name

Julie A. Lundseth  
Signature

S/N 10/753,665



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis A. Carson et al.

Examiner: Frederick F. Krass

Serial No.: 10/753,665

Group Art Unit: 1614

Filed: January 8, 2004

Docket: 103.014US3

Customer No. 21186

Confirmation No. 8816

Title: USE OF ETODOLAC FOR THE TREATMENT OF CHRONIC  
LYMPHOCYTIC LEUKEMIA

COMMUNICATION RE: INCORRECT FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby request correction of the Filing Receipt with respect to the above-identified patent application. In the Filing Receipt received April 26, 2004, (copy enclosed), the third named applicant, Soichi Adachi is spelled incorrectly. The filing receipt reads Souchi Adachi. **The filing receipt should read Soichi Adachi.** This is evidenced by the signed Combined Declaration and Power of Attorney as filed with the Missing Parts (copy enclosed).

Applicants would appreciate the above-identified printing error be corrected and that a new "corrected" filing receipt be sent to Applicants' representatives at the address given below.

Respectfully submitted,  
DENNIS A. CARSON ET AL.

By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6968

Date

May 26, 2004

By

William F. Prout

William F. Prout  
Reg. No. 33,995  
WFP:CMG:jal

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of June, 2004.

Name

Julie A. Lindseth

Signature

Julie A. Lindseth



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/753,665	01/08/2004	1614	385	103.014US3	9	20	2

CONFIRMATION NO. 8816

Schwegman, Lundberg, Woessner & Kluth, P.A.  
 P.O. Box 2938  
 Minneapolis, MN 55402

## FILING RECEIPT



\*OC000000012405358\*

Date Mailed: 04/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Dennis A. Carson, Del Mar, CA;  
 Howard B. Cottam, Escondido, CA;  
 Souchi Adachi, La Jolla, CA;  
 Lorenzo M. Leoni, San Diego, CA;

## Assignment For Published Patent Application

University of California Regents;

## Domestic Priority data as claimed by applicant

This application is a CON of 10/236,221 09/05/2002  
 which is a CON of 09/360,020 07/23/1999 PAT 6,545,034

## Foreign Applications

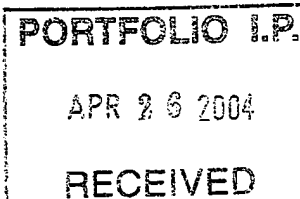
If Required, Foreign Filing License Granted: 04/20/2004

Projected Publication Date: 07/29/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*



FRET

**Title**

Use of etodolac for the treatment of chronic lymphocytic leukemia

**Preliminary Class**

514

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **USE OF ETODOLAC FOR THE TREATMENT OF CHRONIC LYMPHOCYTIC LEUKEMIA.**

The specification of which was filed on July 23, 1999 as application serial no. 09/360,020.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Haack, John L.	Reg. No. 36,154	Nama, Kash	Reg. No. 44,255
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nelson, Albin J.	Reg. No. 28,650
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Kalis, Janal M.	Reg. No. 37,650	Parker, J. Kevin	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Perdok, Monique M.	Reg. No. 42,989
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Perct, Andrew R.	Reg. No. 41,246
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Peterson, David C.	Reg. No. 47,857
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Schumm, Sherry W.	Reg. No. 39,422
Cochran, David R.	Reg. No. 46,632	Lundberg, Steven W.	Reg. No. 30,568	Schwegman, Micheal L.	Reg. No. 25,816
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Stordal, Leif T.	Reg. No. 46,251
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Gamon, Owen J.	Reg. No. 36,143	McGough, Kevin J.	Reg. No. 31,279	Tong, Viet V.	Reg. No. 45,416
Gorrie, Gregory J.	Reg. No. 36,530	McTavish, Hugh E.	Reg. No. 48,341	Viksnins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Mehrle, Joseph P.	Reg. No. 45,535	Woessner, Warren D.	Reg. No. 30,440
Greaves, John N.	Reg. No. 40,362	Muller, Mark V.	Reg. No. 37,509		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:  
**P.O. Box 2938, Minneapolis, MN 55402**  
**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Dennis A. Carson**

Citizenship: **United States of America**

Residence: **Del Mar, CA**

Post Office Address: **14824 Vista del Oceano  
Del Mar, CA 92014**

Signature: \_\_\_\_\_

Dennis A. Carson

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Howard B. Cottam**

Citizenship: **United States of America**

Residence: **Escondido, CA**

Post Office Address: **3144 Willow Creek Place  
Escondido, CA 92027**

Signature: \_\_\_\_\_

Howard B. Cottam

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

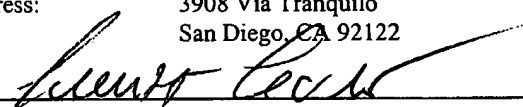
Full Name of joint inventor number 3 : **Soichi Adachi**  
Citizenship: **Japan**  
Post Office Address: **8223 Caminito Modena  
La Jolla, CA 92037**

Residence: **La Jolla, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Soichi Adachi

Full Name of joint inventor number 4 : **Lorenzo M. Leoni**  
Citizenship: **Switzerland**  
Post Office Address: **3908 Via Tranquilo  
San Diego, CA 92122**

Residence: **San Diego, CA**

Signature:  Date: 01/09/03  
Lorenzo M. Leoni

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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to such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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Beckman, Marvin L.	Reg. No. 38,377	Jackson Huchach, Katharine A.	Reg. No. 47,670	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy B.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Padya, Danny J.	Reg. No. 35,635
Billion, Richard B.	Reg. No. 32,836	Kahis, Janal M.	Reg. No. 37,650	Parker, J. Kevin	Reg. No. 33,024
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Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Peterson, David C.	Reg. No. 47,857
Clark, Barbara J.	Reg. No. 38,107	Leclair, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Schumm, Sherry W.	Reg. No. 39,422
Cochran, David R.	Reg. No. 46,632	Lundberg, Steven W.	Reg. No. 30,568	Schwegman, Michael L.	Reg. No. 25,816
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert B.	Reg. No. 35,271	Sturdal, Leif T.	Reg. No. 46,251
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Gannon, Owen J.	Reg. No. 36,143	McGough, Kevin J.	Reg. No. 31,279	Tong, Viet V.	Reg. No. 45,416
Jorrie, Gregory J.	Reg. No. 36,530	McTavish, Hugh E.	Reg. No. 48,341	Vikmans, Ann S.	Reg. No. 37,748
Jortych, Joseph E.	Reg. No. 41,791	Mehrie, Joseph P.	Reg. No. 45,535	Woessner, Warren D.	Reg. No. 30,440
Greaves, John N.	Reg. No. 40,362	Muller, Mark V.	Reg. No. 37,509		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Dennis A. Carson

Citizenship: United States of America

Residence: Del Mar, CA

Post Office Address: 14824 Vista del Oceano  
Del Mar, CA 92014

Signature: \_\_\_\_\_

Dennis A. Carson

Date: \_\_\_\_\_

Full Name of joint inventor number 2: Howard B. Cottam

Citizenship: United States of America

Residence: Escondido, CA

Post Office Address: 3144 Willow Creek Place  
Escondido, CA 92027

Signature: \_\_\_\_\_

Howard B. Cottam

Date: \_\_\_\_\_

[ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3: Soichi Adachi

Citizenship: Japan

Residence: La Jolla, CA

Post Office Address: 8223 Caminito Modena

La Jolla, CA 92037

#803, 541 Suemaru-cho, Nakagyo-ku  
Kyoto, 604-0701 Japan

Signature: \_\_\_\_\_

Soichi Adachi

Date: \_\_\_\_\_

2003/1/18

Full Name of joint inventor number 4: Lorenzo M. Leoni

Citizenship: Switzerland

Residence: San Diego, CA

Post Office Address: 3908 Via Tranquilo

San Diego, CA 92122

Signature: \_\_\_\_\_

Lorenzo M. Leoni

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.